INVESTIGATION REPORT

ENFORCEMENT OF EDUCATION ORDINANCE ON UNIVERSAL BASIC EDUCATION

May 2003

Office of The Ombudsman
Hong Kong

CONTENTS

EXECUTIVE SUMMARY

Chapter		Paragraphs
1	*INTRODUCTION*	
	Background	1.1 - 1.3
	Purpose and Ambit	1.4
	Methodology	1.5 - 1.7
	Investigation Report	1.8
2	*UNIVERSAL BASIC EDUCATION*	
	Provision of Education	2.1 - 2.4
	Legislation	2.5 - 2.6
	Mechanism for Handling Breach	2.7 - 2.19
	Home Education	2.20 - 2.22
3	*CASE STUDIES ON EXISTING ENFORCEMENT MECHANISM AGAINST BREACH*	3.1 - 3.2
	Case 1	3.3 - 3.7
	Case 2	3.8
	Case 3	3.9 - 3.12
	Case 4	3.13 - 3.17
4	*OBSERVATIONS AND OPINIONS*	
	Pre-school Children	4.1 - 4.2
	Children of Ethnic Minorities	4.3
	Dropouts	4.4 - 4.14
	Compulsory School Attendance	4.15 - 4.17
5	*RECOMMENDATIONS*	
	General	5.1(a)
	Children of Ethnic Minorities	5.1(b)
	Dropouts	5.1(c)
	Statutory School Attendance	5.1(d)
6	*FINAL REMARKS*	
	Comments from Education and Manpower Bureau	6.1 - 6.3
	Final Remarks from The Ombudsman	6.4 - 6.7
	A Further Note	6.8 - 6.9

ANNEXES

1 *Board of Education Sub-committee on Review of School Education*

2 *Administrative Circular to Heads of Schools*

EXECUTIVE SUMMARY
Investigation Report
Enforcement of Education Ordinance on Universal Basic Education

Background

There have been reports of children of school age (six to 15) being kept from school and local children of ethnic minorities not getting school places. To examine whether there are deficiencies in the enforcement mechanism and to help safeguard the interests of Hong Kong children, The Ombudsman decided to conduct a direct investigation under Section 7(1)(a)(ii) of The Ombudsman Ordinance.

Methodology

2. We analysed relevant papers and statistical data provided by the Education and Manpower Bureau (EMB) and the then Education Department (ED); examined views of educationalists, concern groups and the public; and studied dropout cases over the past seven years with which EMB had served attendance orders.

Current Enforcement Mechanism

3. EMB is responsible for enforcing compulsory education. The Education Ordinance empowers EMB to order a parent to send a child of the relevant age to school. Any

parent who without reasonable cause fails to comply with an attendance order commits an offence carrying a fine of $10,000 and imprisonment for three months.

Dropouts

4. EMB requires heads of schools to advise a dropout to resume school. If such efforts fail, the heads are required to report urgently through the "Early Notification System" to EMB.

5. The Student Guidance Section (SGS) of EMB deals with dropout cases. Every means available within and outside EMB with the involvement of educational psychologists, counsellors, family workers and school social workers will be deployed to persuade dropouts to resume school.

6. Difficult cases which remain unresolved after six months will be referred to EMB's Internal Review Board for taking such action as issuing warning letters and statutory attendance orders.

Pre-school children

7. Parents will be reminded through publicity programmes to let their children start school. There is no mechanism to keep track of pre-school children, but enrolment statistics shows that most are attending kindergartens or

primary schools.

Children of ethnic minorities

8. EMB has no record of any child of ethnic minorities not placed in school. Those who claim to have encountered difficulties in securing places may have been trying to transfer to their preferred schools. EMB has asked those schools to refer excess applications to EMB for follow-up action. EMB will strengthen collaboration with non-governmental organisations (NGOs) serving ethnic minorities.

Observations and Opinions

9. This Office accepts that absenteeism of pre-school children is insignificant according to enrolment statistics. Reminding parents of their legal obligation to send their children to school through publicity programmes is quite appropriate and adequate.

10. We welcome EMB's assurance that there are sufficient school places for children of ethnic minorities. However, more publicity is needed for promoting awareness of Government's offer of assistance in school placement.

11. We note EMB's reservations over the issue of warnings and orders in dropout cases, but we are of the view that legislation has been introduced to safeguard children's

right to education and the law should be observed. Undue leniency puts such right at risk and the law in disrepute.

12. We note that schools have not always complied with EMB's guidelines in notifying SGS of dropouts through the "Early Notification System".

13. Counselling is at times clearly most unlikely to be fruitful. Requiring SGS to carry on counselling for six months before referring the case to the Internal Review Board simply delays enforcement. With EMB's apparent hesitation (or, in its view, "cautiousness") towards stronger action even after referral, some difficult dropout cases have dragged on for years.

14. The Internal Review Board takes months to issue a warning letter. It is even more reluctant to issue attendance orders: in the four cases studied, the Department of Justice had to comment on two occasions that the time lapse between the dropout and the recourse to legal action had been far too long. Careful planning is no excuse for dilatoriness.

15. Many believe that compulsory education was prompted by exploitation of child labour. These days, our community is more affluent, labour legislation more comprehensive and Government assistance to the needy and vulnerable much enhanced. We see this as an appropriate time for Government to review the need for enforcing schooling by law and to go

for an administrative policy of "free universal basic education". However, this is an issue of education philosophy and Government policy and we leave it to EMB and the community.

Recommendations

16. The Ombudsman makes the following recommendations to the Permanent Secretary for Education and Manpower for more effective enforcement of the Education Ordinance regarding compulsory education -

(a) General

Regularly review and repeat publicity programmes to promote:

i) awareness of the law on compulsory education; and

ii) benefits of schooling.

(b) Children of Ethnic Minorities

i) Inform ethnic minorities, through such channels as schools, relevant NGOs and the media, of Government's offer of assistance in school placement.

ii) Strengthen collaboration with relevant NGOs to better understand the needs of the ethnic minorities in regard to education.

(c) Dropouts

General

Work out, as a general guide, a reasonable and realistic timeframe and flow chart for bringing students back to school:

i) by counselling; or

ii) by firmer legal measures.

Guidelines to Schools

i) Review the guidelines to schools for reporting dropouts to cut delay in follow-up action; and to institute early warning for non-compliance.

ii) Issue reminder to heads of schools to reiterate the importance of complying with the requirements of the "Early Notification System" in the interest of students

concerned.

Counselling

i) Where counselling is unlikely to work, refer to the Internal Review Board without delay.

Warning and Legal Action

Require the Internal Review Board:

i) to be firm and decisive in issuing warning letters early;

ii) on non-compliance with warning letters, to decide on timely service of attendance orders.

(d) Statutory School Attendance

i) Review the need for enforcing compulsory education by law.

Comments from EMB

17. Comments from the Permanent Secretary for Education and Manpower are positive. It is encouraging to see that

implementation of some of our recommendations -- (a) & (b) -- is already underway. She has pledged, in connection with recommendation (c), that EMB will re-engineer the existing procedures and practices to cut short the time taken for intervention and provision of support services for non-attendance cases.

18. On Recommendation (d), EMB has reaffirmed Government's position on the need to enforce compulsory education by law. It will, therefore, not review the policy.

19. EMB sees considerable value in counselling and has indicated it will continue to be cautious in taking legal action. EMB has undertaken to monitor closely all non-attendance cases to ensure counselling be completed within six months after the case is made known to them.

Final Remarks from the Ombudsman

20. The Ombudsman appreciates EMB's prompt response to our findings and offers the concluding observations below.

21. The value of counselling is not questioned. However, where it is "clearly most unlikely to be fruitful" (para. 13), we see little point in continuing counselling as such attempts would delay the child's return to school. If it is a question of family problem, as EMB has suggested in commenting on the report, that aspect should be separately

dealt with and not be allowed to defer action to bring the child back to school. Otherwise, the purpose of the law is frustrated.

22. As for caution in taking legal action, The Ombudsman reiterates her view (para. 14) that legal action warrants careful planning but is no excuse for dilatoriness.

23. On recommendation (d), The Ombudsman maintains her view but respects EMB's professional judgement and prerogative on how universal basic education should be enforced.

A Further Note

24. On Government's policy for integrating children of ethnic minorities into the local community, we are aware of considerable concern amongst these minorities over the children's difficulties in taking up the regular curriculum. There are some suggestions:

- that Chinese be taught as a second language; and

- that their own language be also taught.

In this light, there is a case for Government to review the curriculum for these children. We recognise that this is a

matter of policy whether and how improvement should be made. Our observations here aim to generate discussion.

25. Lastly, The Ombudsman expresses appreciation to EMB (and, earlier ED) for cooperation and assistance throughout this investigation.

Office of The Ombudsman

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May 2003

1

INTRODUCTION

BACKGROUND

1.1 Since the 1970's, Hong Kong children have been provided with free elementary education for nine years. Such education is compulsory as a matter of law[1]. In this connection, the then Education Department (ED) and since January 2003 the Education and Manpower Bureau (EMB)[2] has the responsibility for enforcing the law and requiring children of school age (six to 15) to attend school.

1.2 There have been reports of students dropping out of school, children being kept from school and local children of ethnic minorities not getting school places. They have raised public concern over Government's enforcement of the law and local children's right to education.

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[1] "Where … a child is not attending primary school or secondary school … the Director (of Education) may … serve upon a parent of the child an attendance order … requiring him to cause the child to attend regularly as a pupil the … school named in the attendance order.": section 74(1) of the Education Ordinance.

[2] Re-organisation of the EMB and ED took place on 1 January 2003. The executive arm was integrated into the policy bureau.

1.3 Against this background and in view of time-honoured community aspirations for educating their young, this Office made preliminary enquiries into the procedures for the enforcement of compulsory education under the Education Ordinance. On 2 November 2002, The Ombudsman informed the then ED of her decision to conduct a direct investigation under Section 7(1)(a)(ii) of The Ombudsman Ordinance, Cap. 397. The then ED pledged full cooperation.

PURPOSE AND AMBIT

1.4 Our aim is to help EMB safeguard the interests of Hong Kong children and uphold respect of the law. The ambit of our investigation includes -

(a) existing mechanism for monitoring breach of the provisions in the Education Ordinance, Cap. 279, regarding compulsory education;

(b) existing mechanism for enforcement against breach;

(c) the effectiveness of such mechanism; and

(d) scope for review for improvement.

METHODOLOGY

1.5 For the investigation, ED/EMB provided relevant papers, extracts from case files and statistical data for analysis. Our Investigation Officers held discussions with representatives of ED/EMB throughout the investigation.

1.6 This Office invited members of the public through the media to comment and make suggestions during the period from 29 November to 30 December 2002. We also wrote to the following organisations for views:

- Association of Principals of Government Secondary Schools
- Committee on Home-School Co-operation
- Grant Schools Council
- Hong Kong Education Policy Concern Organization
- Hong Kong Federation of Education Workers
- Hong Kong Subsidized Secondary Schools Council
- Subsidized Primary Schools Council
- The Hong Kong Professional Teachers' Union
- Union of Government Primary Schools
- Unison Hong Kong - For Ethnic Equality

We received three written submissions.

1.7 In addition, we invited a lecturer of the Department of Educational Policy and Administration at the Hong Kong Institute of Education to an interview. Unlike many educationalists who have given their views in public, he represents a school of thought against the concept of compulsory schooling. We also invited the Chairperson of the Unison Hong Kong - For Ethnic Equality to an interview because she had repeatedly and openly complained about local children of ethnic minorities not getting school places.

INVESTIGATION REPORT

1.8 A Draft Investigation Report was sent on 29 April 2003 to the Permanent Secretary of Education and Manpower (PSEM) for comments. These were received on 15 May 2003. This final report was issued on 20 May 2003.

2

UNIVERSAL BASIC EDUCATION

PROVISION OF EDUCATION

2.1 Education is a basic human right: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory"[3].

2.2 In Hong Kong, there was a population explosion in the 1950's due to a large influx of refugees from the Mainland. To educate the rapidly growing young population, Government had to expand the school system. It was Government policy to provide primary education to all[4]. Compulsory education started in September 1971 for children aged six to 11. In 1979, it was extended to age 15, for nine years of basic education: six in primary school and three in secondary school.

2.3 Although there is no concrete evidence, a common belief prevails that compulsory education was introduced to

[3] Article 26 of the Universal Declaration of Human Rights, proclaimed by the United Nations in 1948.

[4] The 1965 White Paper.

counter child labour. In this connection, we note that children under the age of 15 were not allowed by the Minimum Age (Industry) Convention (Revised) 1937 to work[5]. Parents were thereby prevented from exploiting their children under 15 to work in industry and compelled to send them to school.

2.4 The Board of Education set up a subcommittee (membership at **Annex 1**) in 1995 to review the implementation of compulsory education. The report, published in October 1997[6], observed that there was overwhelming support for the policy. The Board, however, had concern over "compulsory education" carrying derogatory implications. More positive terminology was considered necessary. It recommended that the policy of free and compulsory education should continue as "universal basic education" to reflect Government's good intention[7].

LEGISLATION

2.5 Sections 74, 74A, and 78 of the Education Ordinance are relevant in enforcing compulsory education. The then ED (now EMB) has the power to order a parent to send a child of

[5] "Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof": Article 2, the Minimum Age (Industry) Convention (Revised) 1937.

[6] *Report on Review of 9-year Compulsory Education.*

[7] Para. 1, p. 2, Preface of the report.

the relevant age to school. Any parent who without reasonable cause fails to comply with an attendance order commits an offence[8]. However, on receiving the order, a parent may appeal to the Administrative Appeals Board.

2.6 It is noted that the law is enforceable against parents only. It, therefore, safeguards the children's right to education only against parental refusal.

MECHANISM FOR HANDLING BREACH

Dropouts[9]

2.7 The mechanism for handling dropout cases starts in schools. The then ED (now EMB) requires heads of schools to contact the parent or guardian of a student who has been absent for one day, or at most two days, to arrange a home visit to find out the reason for absence and to advise the student to resume school quickly. If such effort should fail even after an absence of seven days, the heads are required to report urgently through the "Early Notification System" to the then ED (now EMB). This means filling in a form and sending it through a reserved fax line. Cases reported through the reserved fax line will receive immediate attention. The

[8] If convicted, the parent is liable to a fine of $10,000 and imprisonment for three months.

[9] Students transferring to other schools or emigrating are not regarded as dropouts. These are reported through a "normal" mechanism.

relevant ED/EMB circular is at **Annex 2**.

2.8 The Student Guidance Section (SGS) of the then ED (now EMB) works with the Social Welfare Department (SWD) and non-governmental organisations (NGOs) in handling non-attendance cases. Within SGS, a team comprising one Inspector, one Assistant Inspector, 14 Student Guidance Officers and 5 clerks deals with dropout cases. SGS handles dropouts in secondary schools with the assistance of school social workers and those in primary schools with the assistance of their own student guidance personnel[10].

2.9 Telephone interviews and home visits will be made to identify the difficulties of the parents and students in such cases. Every means available within and outside the then ED (now EMB) with the involvement of educational psychologists, counsellors, family workers and school social workers will be deployed to persuade dropouts to resume school.

2.10 Difficult cases which remain unresolved after six months will be referred to the then ED (now EMB)'s Internal Review Board for consideration. The Board is chaired by the head of SGS, with an educational psychologist and experienced inspectors as members. It will, depending on the circumstances of each case, take such action as issuing

[10] Student guidance personnel are part of the establishment of primary schools. There is no similar position in secondary schools, where student guidance is provided by school social workers. One social worker serves one secondary school.

warning letters and statutory attendance orders. Both require the endorsement of an Assistant Director of ED/a Principal Assistant Secretary of EMB and will be served in a home visit. For attendance orders, legal advice may have to be sought beforehand. In either event, the parent will be required to let the child resume school within 14 days. In a warning letter, the parent is given the option of three schools whilst in an attendance order, only one.

2.11 ED/EMB is of the view that most parents in dropout cases want their children to continue schooling. It, therefore, prefers counselling to issuing warnings and attendance orders. The latter is considered the last resort, to be used only if all else fails. If after the service of an attendance order, the child resumes school, engages in alternative education programmes such as apprenticeship training, reaches the age of 15 or leaves Hong Kong, the then ED (now EMB) will not take any further enforcement action. Other cases will be forwarded to the Department of Justice for advice and may subsequently go to the Police for consideration of prosecution.

2.12 A flow chart prepared by the then ED showing the procedures leading to the issue of warning letters and attendance orders is at **Annex 3**. Since the inception of compulsory education there has been one prosecution case. In 1985, a parent was convicted and fined $400.

Pre-school Children

2.13 To remind parents to apply for their children's admission to Primary One when they reach the age of six, the then ED (now EMB) launches a publicity programme every year in September. It distributes to parents through kindergartens and childcare centres application forms, leaflets and VCDs; delivers the message through the media and its website; and offers a 24-hour enquiry hotline.

2.14 New arrivals from the Mainland may complete a registration form at the Lo Wu checkpoint and put it in a collection box. The then ED (now EMB) will then contact them to find out whether they have sent their children of the relevant age to school. Assistance in school placement will be provided if necessary.

2.15 There is no mechanism to keep track of all pre-school children. EMB explains that according to enrolment statistics, about 96% of the estimated number of six-year-olds are attending kindergartens or primary schools[11]. The remaining 4% (about 3,194 children) are probably in day nurseries[12]. There is, therefore, no justification to keep track of all pre-school children as this would require enormous resources. Children of school age have to start

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[11] 75,655 out of 78,849.

[12] Estimated number of five-to-six-year-olds attending day nurseries is 7,265.

school voluntarily to be under the monitoring mechanism described in paras. 2.7 to 2.12 above.

Children of Ethnic Minorities

2.16 Compulsory education applies to all local children of the relevant age, including those of ethnic minorities. Government aims to integrate them into the local community and the mainstream education system. It has, therefore, no intention to set up a separate system specifically for ethnic minorities. To facilitate integration, Government provides extra funds to schools which have admitted new arrivals and NGOs to operate induction programmes. Nine schools[13] have admitted comparatively more ethnic minority children. These schools have used the extra funds provided by Government to meet their special needs, such as offering additional English classes and appointing teaching assistants of the same ethnic origin.

2.17 ED/EMB has no record of any child of ethnic minorities not placed in school. Its view is that some of the children who claim to have encountered difficulties in securing places are in fact trying to transfer to their preferred schools. For instance, in September 2002, the then ED was aware of one primary school with a waiting list of over 100 children of ethnic minorities. It asked for the list and

[13] One located on Hong Kong Island, seven in Kowloon and one in the New Territories.

approached the parents. It turned out that most of the children were already attending other schools. Those who genuinely required assistance were subsequently all placed by the then ED.

2.18 Some schools are more popular among ethnic minorities. As they may not be able to admit all applicants, EMB has asked them to refer excess applications to EMB for follow-up action.

2.19 To strengthen collaboration with NGOs serving ethnic minorities, EMB organised a half-day session on 27 January 2003. Representatives from the NGOs were briefed on the Primary One Admission System and support services for the children to adapt to the local community and school environment. EMB will continue to organise similar sessions.

HOME EDUCATION

2.20 Some parents may wish to educate their children at home. During the five school years from 1995/96 to 1999/2000, the then ED allowed 17 such cases.

2.21 The then ED (now EMB) will allow home education only where the parents are committed[14] and well educated[15],

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[14] Time available, for instance, will be a factor. Where both parents have a full-time job, home education will normally not be allowed.

providing the child with a planned and organised curriculum, appropriate learning aids and programmes for social development and assessments. Of the 17 cases, only the parents of one child managed to satisfy the then ED without help[16]. The other 16 children were all engaged in distance learning courses offered by educational institutions, which provide academic support, tests, career counselling, graduation certificates, online tutoring and so on. The then ED (now EMB) requires quarterly progress reports from the parents to regularly review the appropriateness of providing their children with home education.

2.22 The then ED (now EMB) considers home education undesirable as it would be difficult to achieve the balanced and systematic learning process or the social integration offered by formal schooling. Some of the parents who had chosen home education may subsequently share this view: 12 of the 17 cases eventually resumed schooling.

[15] University education is normally required.

[16] In that particular case, the parents are well educated and provide a balanced curriculum and social interactions for their child. They were co-operative and submitted progress reports to the then ED more frequently than it was required. The home education lasted for about a year and then the child started school.

3

CASE STUDIES ON EXISTING ENFORCEMENT MECHANISM AGAINST BREACH

3.1 From the introduction of nine-year compulsory education in 1979 to the school year 2001/02, a total of 153 warning letters and 23 attendance orders have been issued to the parents concerned:

School Year	Warning Letters			Attendance Orders		
	Nos.[17]	Children involved	Remarks	Nos.[18]	Children involved	Remarks
78/79	0	0	--	0	0	--
79/80	0	0	--	0	0	--
80/81	0	0	--	0	0	--
81/82	0	0	--	0	0	--
82/83	88	88	All resumed school	3	3	All resumed school
83/84	8	8	All resumed school	0	0	--
84/85	17	17	All resumed school	4	4	2 resumed school, 1 prosecuted and fined, 1 appealed and order cancelled
85/86	2	2	All resumed school	1	1	Resumed school

[17] One warning letter is issued to each parent. In the letter, all children not attending school are listed. Two warning letters (or one in case of a single-parent family) will be issued to one family.

[18] One attendance order is served to each parent. Only one child will be named in each order. For a family with three children of the relevant age not attending school, six orders will be served.

School Year	Warning Letters			Attendance Orders		
	Nos.	Children involved	Remarks	Nos.	Children involved	Remarks
86/87	2	2	All resumed school	0	0	--
87/88	2	2	All resumed school	2	2	1 resumed school, 1 appealed but order confirmed
88/89	9	11	9 resumed school, 2 left Hong Kong	0	0	--
89/90	4	5	All resumed school	0	0	--
90/91	0	0	--	0	0	--
91/92	0	0	--	0	0	--
92/93	0	0	--	0	0	--
93/94	2	3	2 resumed school, 1 left Hong Kong	0	0	--
94/95	3	3	1 resumed school, 1 missing, 1 not complied with warning	1	1	Resumed school
95/96	5	5	4 not complied, 1 resumed school	4	4	All resumed school
96/97	0	0	--	0	0	--
97/98	1	1	Resumed school	0	0	--
98/99	8	5	2 resumed school, 3 not complied with warning	6	3	Left Hong Kong
99/00	2	1	1 attended alternative courses	0	0	--
00/01	0	0	--	0	0	--
01/02	0	0	--	2	1	Left Hong Kong
Total	**153**	**153**	--	**23**	**19**	--

3.2 To evaluate the adequacy and effectiveness of EMB's current mechanism for enforcing compulsory education, this Office has studied the more recent cases. Over the past seven years (1995/96 to 2001/02), parents from four families had been served with attendance orders involving eight children. The cases are summarised below.

Case 1 (Two children: one dropout, one not in school)

3.3 This case involves a single-parent family with two children. The parent seemed indifferent to the welfare of the family. For instance, she had repeatedly failed to show up at the Housing Department to complete intake formalities when they were re-housed after clearance of their temporary housing area. It took a joint operation by the Housing Department, SWD and the Police to "force" them to move to their present estate.

3.4 The elder child was in Primary Two and had studied until January 1994 while the younger, aged six, had never attended school. At the parent's request, the school granted the elder child leave before and after the Lunar New Year holiday for a trip to the Mainland. The school informed SGS in March 1994 that the elder child did not return to school after the leave. SGS and SWD made continuous efforts to try to help but the parent was uncooperative and refused to speak to them. The then ED's Internal Review Board took up the case in September 1994 and issued a warning letter in May 1995. This was ignored and an attendance order was issued in October 1995, 21 months after dropout. As the order was also ignored, the case was referred to the Police in January 1996.

3.5 The then ED and SWD worked together on the educational and welfare needs of the children in this case. The then ED was, therefore, aware that there was a second child

who had not attended school. In February 1996, an attendance order was issued for the second child. This order was also ignored.

3.6 In April 1996, after a number of futile attempts to reach the parent, the Police applied for a court summons.

3.7 The parent finally sent both children to school in April 1996.

Case 2 (two dropouts)

3.8 This case also involves a single-parent family with two children. Both children stopped attending school in September 1995 when they were in Secondary One. The elder child's school reported the dropout to the then ED in mid-September 1995 but did not do so through the reserved fax line. The younger child's school did not report to the then ED until November 1995. The parent was described by SGS officers as "lethargic" and "indifferent"[19], ignoring all calls and letters from SGS and never attending any interview. The Internal Review Board took up the case in February 1996, issued warning letters in May 1996 and then attendance orders in August 1996, one year after dropout. Both children resumed school in September 1996.

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[19] Paras. 2 and 5 of the case summary prepared by SGS.

Case 3 (three dropouts)

3.9 The eldest of three children last attended school in May 1997 when he was in Primary Five. The school informed SGS on the same day but did not make a report formally until August 1997. The parents were uncooperative, with the father possibly suffering from mental problems. The Internal Review Board took up the case in April 1998 and wrote to warn the parents in August 1998.

3.10 Meanwhile, the other two children attending the same school had dropped out in April 1998. The school informed SGS in May 1998. The Board took up the cases in September 1998 and issued warning letters in January 1999.

3.11 All the warning letters were ignored. The Board sought legal advice, which supported the issue of attendance orders expeditiously in view of the long absence from school. Orders were issued in June 1999, over two years after the eldest child, and over one year after the other two children, had dropped out.

3.12 The orders were not complied with. The then ED referred the cases to the Police in August 1999. Subsequently, the family left Hong Kong.

Case 4 (one dropout)

3.13 A Primary Three student ceased attending school in February 2000. SGS was informed in March 2000. In July 2000, the Internal Review Board started to handle the case. In August 2000, the parent wrote to the then ED to apply for home education. An educational psychologist assessed the child in September 2000. The child was found to have good learning potential but would need an environment for interacting with other children.

3.14 Thereafter, the then ED conducted a number of home visits and interviews. During a home visit in November 2000, it was observed that both the child and the parent had miscalculated an arithmetic problem at Primary Three level. In January 2001, the home teaching timetable and materials were found to be deficient. The appropriateness of home education was, therefore, in question.

3.15 In view of parental insistence, the then ED offered to provide a teacher for the child at home but this was rejected. The help of volunteers from a parent-teacher association and a church was also refused.

3.16 Concerned about the family's likely drastic reaction to legal action, the then ED continued to assess the suitability of home education and to offer support: all in vain. The Department of Justice advised the then ED in

June 2002 against any further delay in enforcing the Education Ordinance in case the parent would have a legitimate expectation not to be prosecuted. Attendance orders were issued in August 2002, almost 30 months after dropout.

3.17 Subsequently, the child left Hong Kong. The case then closed.

4

OBSERVATIONS AND OPINIONS

PRE-SCHOOL CHILDREN

4.1 This Office acknowledges that unless EMB were to monitor all births, it would be well-nigh impossible to keep track of all pre-school children and ensure that each and every one commences schooling at the age of six. We accept that absenteeism of these children is insignificant as according to enrolment statistics, 96% of them are in school and the remaining 4% are probably in day nurseries (para. 2.15).

4.2 Generally speaking, Hong Kong parents are keen to get their children to school: they see a good education as the key to future sustenance and success. Child labour is now neither socially acceptable nor economically necessary. Against this background, ED/EMB's practice of reminding parents of their legal obligation to send their children to school through publicity programmes (para. 2.13) is quite appropriate and adequate. In this regard, ED/EMB's efforts

to enrol new arrivals from the Mainland (para. 2.14) is a measure of its determination to meet changing circumstances. This is commendable.

CHILDREN OF ETHNIC MINORITIES

4.3 This Office welcomes EMB's assurance that there are sufficient school places for children of ethnic minorities. Those who have failed to secure school places may not be aware that EMB is ready to help. More publicity is, therefore, needed for promoting awareness of Government's offer of assistance in school placement. This can be most effectively done through the respective community associations for ethnic minorities where they exist.

DROPOUTS

4.4 This Office notes the then ED (now EMB)'s reservations over the issue of warnings and orders in dropout cases. Subjecting parents to prosecution does not necessarily change their view towards their children's education.

4.5 Nevertheless, legislation has been introduced to safeguard children's right to education and the law should be observed. Undue leniency puts such right at risk and the

law in disrepute. It creates a public perception of Government being hesitant to uphold the law and thus generates disrespect for the enforcement agent. It may even cost Government its credibility.

Notification

4.6 Schools have not always complied with ED/EMB's guidelines (para. 2.7) in notifying SGS of dropouts through the "Early Notification System". In Case 2 mentioned in Chapter 3, for instance, the elder child's school failed to use the reserved fax line and the younger child's school delayed reporting (para. 3.8). In Case 3, the school made a formal report to the then ED almost four months after dropout (para. 3.9).

Counselling

4.7 When notified of a primary school dropout, SGS will enlist the help of the student guidance personnel of the same primary school (para. 2.8). The effectiveness of such practice is questioned by the Hong Kong Education Policy Concern Organisation. Student guidance personnel employed by primary schools for counselling students will of their own volition attend to dropout cases. They will report to SGS only when their attempts have failed (this may contribute to delay in notification). It is, therefore, pointless for SGS to ask such personnel to attend to those cases yet again on their

own. We share this view.

4.8 This Office appreciates the practice of school-based student guidance personnel handling primary school dropouts but SGS must play a guiding role. It should monitor closely the progress of every dropout case, be it secondary or primary school.

4.9 This Office is of the view that school-based student guidance personnel should comply with guidance and report promptly to ED/EMB, which has more options for handling dropouts. Delay in notification results in children of relevant age not being in school over an extended period and thus possibly put at risk. Meanwhile, schools are in breach of requirements. It also defers the then ED (now EMB)'s consideration of remedial action and enforcement.

4.10 In any case, counselling is at times clearly most unlikely to be fruitful, particularly where the parents are so uncooperative as to refuse to speak at all (para. 3.4); where a parent may have mental problems (para. 3.9); or where a parent is prejudiced and persistent (para. 3.15). It is difficult to understand how and why ED/EMB still proceeded with counselling for months on end and not consider stronger steps earlier, causing disruption to the schooling of the children concerned contrary to the intent of compulsory education.

4.11 In this connection, we consider a much shorter period for counselling desirable. Where this is unlikely to work, requiring SGS to carry on counselling for six months before referring the case to the Internal Review Board simply delays enforcement. Exacerbated by ED/EMB's apparent hesitation to resort to stronger action even after referral, some difficult dropout cases have dragged on for years.

Warnings and Attendance Orders

4.12 Upon referral from SGS, every "soft" means possible is exhausted (para. 2.9): enlisting the help of educational psychologists, counsellors, family workers and school social workers. Then, the Internal Review Board is to decide whether warning letters or attendance orders are to be issued. The former is a measure for which no prior legal advice is necessary. In the cases studied, this Office notes that ED/EMB takes months to issue a warning letter: seven months in Case 1 (para. 3.4) and four months in Case 3 (para. 3.9).

4.13 As for attendance orders, the reluctance is even greater. The Board is so cautious in this regard that in the four cases mentioned in the previous chapter, even the Department of Justice had to comment on two occasions that the time lapse between the dropout and the recourse to legal action had been far too long (paras. 3.11 and 3.16).

4.14 Legal action has consequences and thus warrants

careful planning. This, however, is no excuse for dilatoriness. Enforcement officials must be firm and decisive in exercising their authority: the stake is high in terms of safeguarding children's right to education and maintaining respect for the law.

STATUTORY SCHOOL ATTENDANCE

4.15 The problem of exploitation of child labour, commonly believed to be the reason for introducing compulsory education, no longer exists. These days, our community is more affluent, labour legislation more comprehensive and Government assistance to the needy and vulnerable much enhanced. It may be an appropriate time for Government to review the need for enforcing schooling by law and to go for an administrative policy of "free universal basic education" (para. 2.4).

4.16 In this connection, a school of thought advocates that parents be allowed to choose the best way to educate their children, including home education. We note that Article 26 of the Universal Declaration of Human Rights, proclaimed by the United Nations in 1948, states that "parents have a prior right to choose the kind of education that shall be given to their children". This, of course, carries risks especially where the parents are irresponsible, or where, for whatever personal reasons, they are unable to make reasoned choices

for their children.

4.17 Whether compulsory education should be enforced by legislation is an issue of education philosophy and Government policy. We leave it to EMB to consider the matter, taking into account the change in circumstances over the decades, views of parents, students, education professionals and society at large. The last review was some eight years ago (para. 2.4). In raising it here, we hope to promote community debate to assist Government's review.

5

RECOMMENDATIONS

5.1 Based on the observations and opinions in Chapter 4, The Ombudsman makes the following recommendations to PSEM for more effective enforcement of the Education Ordinance regarding compulsory education -

(a) General

Regularly review and repeat publicity programmes to promote:

i) awareness of the law on compulsory education: paras. 4.1 to 4.2; and

ii) benefits of schooling: paras. 4.1 to 4.2.

(b) Children of Ethnic Minorities

i) Inform ethnic minorities, through such channels as schools, relevant NGOs and the

media, of Government's offer of assistance in school placement: para. 4.3.

ii) Strengthen collaboration with relevant NGOs to better understand the needs of the ethnic minorities in regard to education: paras. 2.19 and 4.3.

(c) Dropouts

General

Work out, as a general guide, a reasonable and realistic timeframe and flow chart for bringing students back to school:

i) by counselling; or

ii) by firmer legal measures.

Guidelines to Schools

i) Review the guidelines to schools for reporting dropouts to cut delay in follow-up action; and to institute early warning for non-compliance: annex 2, paras. 4.6 and 4.9.

ii) Issue reminder to heads of schools to

reiterate the importance of complying with the requirements of the "Early Notification System" in the interest of students concerned: paras. 4.6 and 4.9.

Counselling

i) Where counselling is unlikely to work, refer to the Internal Review Board without delay: paras. 4.8, 4.10 and 4.11.

Warning and Legal Action

Require the Internal Review Board:

i) to be firm and decisive in issuing warning letters early: para. 4.12;

ii) on non-compliance with warning letters, to decide on timely service of attendance orders: paras. 4.13 to 4.14.

(d) Statutory School Attendance

i) Review the need for enforcing compulsory education by law: paras. 4.15 to 4.17.

6

Final Remarks

COMMENTS FROM EMB

6.1 Comments from the Permanent Secretary for Education and Manpower are positive. It is encouraging to see that implementation of some of our recommendations -- (a) & (b) -- is already underway. She has pledged, in connection with recommendation (c), that EMB will re-engineer the existing procedures and practices to cut short the time taken for intervention and provision of support services for non-attendance cases.

6.2 On Recommendation (d), EMB has reaffirmed Government's position on the need to enforce compulsory education by law. It will, therefore, not review the policy.

6.3 EMB sees considerable value in counselling and has indicated it will continue to be cautious in taking legal action. EMB has undertaken to monitor closely all non-attendance cases to ensure counselling be completed within six months after the case is made known to them.

FINAL REMARKS FROM THE OMBUDSMAN

6.4 The Ombudsman appreciates EMB's prompt response to our findings and offers the concluding observations below.

6.5 The value of counselling is not questioned. However, where it is "clearly most unlikely to be fruitful" (para. 4.10), we see little point in continuing counselling as such attempts would delay the child's return to school. If it is a question of family problem, as EMB has suggested in commenting on the report, that aspect should be separately dealt with and not be allowed to defer action to bring the child back to school. Otherwise, the purpose of the law is frustrated.

6.6 As for caution in taking legal action, The Ombudsman reiterates her view (in para. 4.14) that legal action warrants careful planning but is no excuse for dilatoriness.

6.7 On recommendation (d), The Ombudsman maintains her view but respects EMB's professional judgement and prerogative on how universal basic education should be enforced.

A FURTHER NOTE

6.8 On Government's policy for integrating children of

ethnic minorities into the local community, we are aware of considerable concern amongst these minorities over the children's difficulties in taking up the regular curriculum. There are some suggestions:

- that Chinese be taught as a second language; and

- that their own language be also taught.

In this light, there is a case for Government to review the curriculum for these children. We recognise that this is a matter of policy whether and how improvement should be made. Our observations here aim to generate discussion.

6.9 Lastly, The Ombudsman expresses appreciation to EMB (and, earlier ED) for cooperation and assistance throughout this investigation.

---- End ----

Office of The Ombudsman

Ref. OMB/DI/104

May 2003

Board of Education Sub-committee on Review of School Education

Membership List

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	Mr Michael HONG Man-hoi (from February 1995 to June 1996) Principal Shun Lee Catholic Secondary School
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Deputy Director of Education

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Assistant Director of Education (Planning and Research)

Mr LEE Hing-fai
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HKWMA Chu Sek Lun Prevocational School

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The Hong Kong Institute of Education

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GCEPSA Tseung Kwan O Primary School (P.M.)

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(from August 1995)
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Headmistress
Baptist Lui Ming Choi Primary School (P.M.)

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(from November 1995)
Principal
PLK 1983 Board of Directors' College

Mr TSO Kai-lok
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Assistant Principal
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The Chinese University of Hong Kong

Dr WONG Kam-cheung
(as full member from February to June 1995)
(as co-opted member from July 1995)
Faculty of Education
The University of Hong Kong

Secretary

Mr WAI Kwok-bong
(from February to October 1995)
Principal Education Officer (Planning and Research)

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Senior Education Officer (Compulsory Education Review)

Miss Jennifer YAU Yuk-chun
(January 1996)
Senior Education Officer (Compulsory Education Review)

Mr NG Tai-pong
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Senior Education Officer (Compulsory Education Review)

Mr LO Kwan-hung
(from March 1997)
Senior Education Officer (Compulsory Education Review)

Ref: ED(SC) 40/5 1 pt.1

EDUCATION DEPARTMENT
HONG KONG

18 September 2002

ADMINISTRATION CIRCULAR NO. 39/2002

Enforcement of Universal Basic Education

Note: This circular should be read by –

(a) Heads of all Primary and Secondary Schools, excluding ESF and international schools for necessary action ; and

(b) Heads of Sections for information.

SUMMARY

The purpose of this circular is to outline the administrative procedures and actions that schools should take in the enforcement of universal basic education.

DETAIL

Identification and reporting of dropout students

2. It is of prime importance for Heads of Schools to identify and promptly report dropout students (aged 6-15) who have not completed Secondary 3 so that the Education Department can conduct immediate investigation and help these students resume school at the earliest opportunity. Heads of schools are requested to follow the procedures outlined below:

Absent for 1 or 2 days

If a student is absent from school for 1 or 2 days in succession without any apparent reason, the Head of School should contact the student's parent/guardian and/or arrange a home-visit to find out the reason for the absence and advise the student to resume school quickly.

Absent for 7 days

If the absence persists for 7 days and the reason for the absence is associated with behavioural problems, emotional problems, family problems, academic difficulties, truancy or being withheld by parents from attending school, the Heads of School should report the case URGENTLY to the Education Department through the " Early Notification System (ENS) ", which is for reporting suspected dropout cases, by taking the following actions:

For Schools participating in the School Administration and Management System (SAMS)

(a) To prepare data for Form A in SAMS and submit the data to the School Places Allocation (SPA) Section through the Communication and Delivery System (CDS);

(b) To generate a hard copy of the Form A report and fax it (2520 0073) to the Non-attendance Cases Team for urgent action;

(c) To inform the Student Guidance Officer (SGO) / Student Guidance Teacher (SGT) / Student Guidance Personnel (SGP) / School Social Worker (SSW) of the school if the reported student is receiving student guidance service / school social work service. He/She would later be requested by the Education Department to produce an investigation report.

For Non-SAMS Schools

(a) To send a copy of the completed Form A (Appendix I) or Special Form A (Appendix II) to the Non-attendance Cases Team by fax (2520 0073) or inform the Team by telephone (2863 4799) and provide the information on

- name of school,
- name / class / sex / date of birth / Student Reference Number (STRN) of the student,
- date of last attendance,
- reasons for absence,
- parents' contact address and telephone,
- other related information, if any;

(b) To send the original copy of the completed Form A or Special Form A, marked "URGENT" to the School Places Allocation (SPA) Section at 4/F, Lui Kee Education Services Centre, 269 Queen's Road East, Wan Chai, Hong Kong within 14 days since the student's absence;

(c) To inform the Student Guidance Officer (SGO) / Student Guidance Teacher (SGT) / Student Guidance Personnel (SGP) / School Social Worker (SSW) of the school if the reported student is receiving student guidance service / school social work service. He/She would later be requested by the Education Department to produce an investigation report.

<u>Reporting of school transfer and emigration cases</u>

3. School transfer and emigration cases need <u>not</u> be reported through the ENS. However, for such cases, Heads of Schools should also submit the completed Form A or Special Form A to the SPA Section within 14 days since the student's absence. As usual, schools participating in the SAMS may forward

their reports through the CDS.

Reporting of re-admission and new intake cases

4. Heads of schools are requested to report particulars of every re-admitted student (including the student whose Form A has been reported but who has resumed school later on) or newly admitted student by using Form B (Appendix III) which should be completed and returned to the SPA Section within 10 days after each admission. As usual, schools participating in the SAMS may forward their reports through the CDS.

5. Submission of Form B is not necessary if the case has already been reported in Enrolment Survey Form Eb (Appendix IV) during the Enrolment Survey conducted in mid September each year.

6. Related procedures are listed out in the "Guidelines for the Student Information Management System" distributed to schools in early September each year by the SPA Section of the Education Department.

Keeping student information up-to-date

7. Heads of Schools should keep student information up-to-date and regularly remind parents to inform the school of any changes in personal particulars to avoid incorrect information being submitted to the Education Department, which leads to unnecessary delay in the handling of dropout cases.

Promoting attendance and prevention of students dropping out from school

8. Students admitted into the primary course (P1-6) and junior secondary course (S1-S3) should normally be allowed to complete that course at the same school. Students with learning and/or behavioural difficulties should be provided with assistance and guidance. Parents should be involved in the process of helping students establish regular punctual attendance and good behaviour from the start. Prompt intervention is needed where there is unacceptable behaviour such as truancy or unexplained absence. Assistance of SGO / SGT / SGP / SSW should be sought when necessary. No student should be expelled without proper warning and notice to parents and without the approval of the Director of Education. The practice of advising students to leave school voluntarily as an alternative to expulsion is considered educationally undesirable and this defeats the purposes of schools to promote universal basic education.

9. Regular attendance is vital in raising the educational standards for all students in school. Schools should develop school policies that promote good attendance and positive behaviour among students, good teacher-pupil relationship, flexible use of curriculum, sound parent-teacher relationship and a caring environment in school.

Assisting dropout students to resume school

10. Heads of Schools are requested to report dropout cases through the ENS. Prompt reporting is of crucial importance in the handling of dropout cases. The earlier the intervention, the greater is the likelihood of a dropout student returning to his/her original school or being placed in another school. The problems arising from any delay in reporting dropout cases can be potentially very serious and such students may come under the influence of undesirable elements or become involved in unlawful activities.

11. The Director of Education may direct a school to admit or re-admit a student referred by him to fill a vacant place. Since November 1990, it has been the practice of the Education Department to place dropout students back to school in accordance with a set of guidelines (Appendix V) worked out by the Advisory Committee on the Placement of Pupils. Heads of Schools are urged to give full assistance, support and co-operation in admitting or re-admitting these students. All schools should allow dropout students to attend class immediately if they are willing to resume schooling. Any measures to delay student admission until the beginning of the next school term or to exclude the re-admitted students from attending lessons should be avoided. It should be noted that any remedial service would only be effective within the school context.

12. Heads of Schools are therefore urged to adhere strictly to the reporting procedures outlined in this circular and to make full use of the student guidance service and special education services provided by the Education Department and the school social work service provided by the Social Welfare Department and non-governmental organizations.

ENQUIRIES

13. Any queries on the "ENS" and matters relating to the enforcement of universal basic education, please contact Mr Henry Yip (Tel: 2863 4688) or Mr Yan Ming-leong (Tel: 2863 4689) of the Non-attendance Cases Team.

14. For enquiries on the Guidelines for the Student Information Management System, please contact your School Liaison Officers of the School Places Allocation Section.

15. This circular supersedes the Administration Circular No. 35/2001 dated 22 October 2001.

M Y CHENG
for Director of Education

Appendix (附錄) I

香港教育署　學生紀錄卡
EDUCATION DEPARTMENT HONG KONG
STUDENT RECORD CARD

(I)

發卡日期
Date of Issue

學生編號
Student Reference No.

學生姓名 Name of Student

出生日期（日－月－年）
Date of Birth (DD-MM-YYYY)

性別
Sex

入讀現時班別日期（日－月－年）
Date Admitted to the Current Class (DD-MM-YYYY)

現時就讀班級
Current Class Level

家居區議會分區 #1
Home DC #1

現時就讀班別
Current Class

香港身份證號碼
HKID Card No.

香港出生證明書編號
HK Birth Certificate No.

其他身份證明文件類別 #1／號碼
Other Identification Document Type #1/Number

(I) 學生離校／缺課報告表
REPORT OF STUDENT LEAVING / ABSENT FROM SCHOOL

表格
FORM
A

教育署專用 Office Use

學生姓名 中文

Name of Student (in English)

性別
Sex

學校區議會分區 #1
School DC #1

最後就讀班級 #1
Class Level Last Attended #1

最後上課日期 #2
Last Day of Attendance #2

日 DD　月 MM　年 YYYY

學生離校／缺課原因 #1
Reason for Leaving /absent from School #1

如屬學生輔導主任／學生輔導老師／社會工作人員個案，請填"Y"
If it is a SGO / SGT / Social Worker case, please mark "Y"

學生家居電話
Student Home Telephone

父母／監護人姓名（中文）

關係 #1
Relation #1

Name of Parent/Guardian (in English)

聯絡電話
Contact Telephone

流動電話
Mobile Phone

樣本 SAMPLE

#3

父母／監護人職業（中文）

學生住址（中文）　室　層　座

大廈名稱　屋邨／村

街道名稱／號

地區名稱

#3

Occupation of Parent / Guardian (in English)

Student Home Address (in English)　Flat　Floor　Block

Building Name

Estate / Village

Street No./St.

District Name

如有該生其他缺課資料（例如新地址、電話號碼等），請在下面填寫，並在右面空格內填"Y"
If there is further information on the non-attendance (e.g. new address, telephone number etc.), please enter below and mark "Y" in the right box.

#1 - #2　詳註見背頁 See Notes overleaf
#3　只須填寫中文或英文組 Fill in either Chinese or English group

校長簽署
Signature of Head of School

日期
Date

ED3468 (9/01)

Appendix (附錄) II

特別表格
SPECIAL FORM **A**

香港教育署
EDUCATION DEPARTMENT HONG KONG

學生離校／缺課報告表格
Form for Reporting Students Leaving/Absent from School
（適用於沒有表格 A 的學生）
(For a student without Form A)

學校區議會分區#1 School DC #1 ☐　　學校編號 School No. ☐☐☐☐☐☐　　學校位置標誌 Location ID 0 0 0 ☐

教學階段 School Level ☐ 2— 小學 Primary 3— 中學 Secondary　　授課時間 Session ☐ 1 上午校 AM 2 下午校 PM 3 全日制 WD　　語言類別 Language ☐ 1 — 英文部 Anglo-Chinese 2 中文部 Chinese 9— 其他 Others

學生編號（如有）Student Reference No. (if any) ☐☐☐☐☐☐☐☐　　學生姓名（中文）________

Name of Student (in English) ________　　性別 Sex ______　　出生日期（日－月－年）Date of Birth (DD-MM-YYYY) ________

最後就讀班級 #1 Class Level Last Attended #1 ☐☐　　最後上課日期 #2 Last Day of Attendance #2 ☐☐ 日 DD ☐☐ 月 MM ☐☐☐☐ 年 YYYY

學生離校／缺課原因 #1 Reason for Leaving/Absence from school #1 ☐☐　　如屬學生輔導主任／學生輔導老師／社會工作人員個案，請填"Y" If it is a SGO/SGT/Social Worker case, please mark "Y" ☐

學生家居電話 Student Home Telephone ☐☐☐☐☐☐☐☐　　父母（監護人）姓名（中文）☐☐☐☐☐　　關係 #1 Relation #1 ☐☐

Name of Parent/Guardian (in English) ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

聯絡電話 Contact Telephone ☐☐☐☐☐☐☐☐☐☐☐　　流動電話 Mobile Phone ☐☐☐☐☐☐☐☐

#3

父母／監護人職業（中文）☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

學生住址（中文）　室 ☐☐☐☐ 　樓 ☐☐ 　座 ☐☐☐☐

大廈名稱 ☐☐☐☐☐☐☐☐☐☐　　屋邨／村 ☐☐☐☐☐☐☐☐☐☐

街道名稱／號 ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

地區名稱 ☐☐☐☐☐☐☐☐☐☐

樣本 SAMPLE

#3

Occupation of Parent/Guardian (in English) ☐☐

Student Home Address (in English): Flat ☐☐☐☐☐　Floor ☐☐☐　Block ☐☐☐

Building Name ☐☐

Estate/Village ☐☐

Street No./St ☐☐

District Name ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

如有該生其他缺課資料（例如新地址、電話號碼等），請在下面填寫，並在右面空格內填"Y"。
If there is further information on the non-attendance (e.g new address, telephone number etc.), please enter below and mark "Y" in the right box. ☐

____

____

#1-#2 請註見背頁 See Notes overleaf
#3 只須填寫中文或英文組 Please fill in either Chinese or English group

備註：本校曾於（日期）________ 利用表格 ______ 報告該生入學。
Remarks: The admission of the student has been reported on (Date) ________ by means of Form ______

校長簽署 Signature of Head of School ________　　日期 Date ________

校長姓名（正楷）Name of Head of School (in BLOCK letters) ________

學校名稱 Name of School ________

校印 School Chop

表格 FORM **B**

香港教育署
EDUCATION DEPARTMENT HONG KONG
學生資料管理系統
STUDENT INFORMATION MANAGEMENT SYSTEM
填報已有學生編號的入學*學生表格
Form for Reporting Admission* of Students with Student Reference Number

學校區議會分區#1 School DC #1 [ ]

學校編號 School No. [| | | | |] 學校位置標識 Location ID [0|0|0|] 教學程度 School Level [ ] 2 – 小學 Primary 3 – 中學 Secondary 授課時間 Session [ ] 1 上午校 AM 2 下午校 PM 3 全日制 WD 語言類別 Language [ ] 1 – 英文部 Anglo-Chinese 2 – 中文部 Chinese 9 – 其他 Others

學生編號 Student Reference Number (STRN)	班級 Class Level #2	班別名稱（英文）Class Name (in English)	在現時班別首天上課日期 1st Day of Attendance in Current Class #3			家居區議會分區 Home DC #1	學生姓名（中文或英文）Name of Student (in Chinese or English)	性別 Sex	出生日期 Date of Birth	學業能力測驗組別 AAT Group #4
			日 Day	月 Month	年 Year					
					20					
					20					
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SAMPLE 樣本

#1 – #4 註釋見背頁 See Notes overleaf

* 本表格亦適用於填報「曾以表格A填報離Published」的重新入學學生
This form is also applicable for reporting re-admission of those students whose ... has been reported by using Form A.

校長簽署 Signature of Head of School ____________ 日期 Date ____________

校長姓名（正楷）Name of Head of School (in Block letters) ____________ 學校名稱 Name of School ____________

校印 School Chop

ED/STIM/B

表格 FORM **Eb**

香港教育署
EDUCATION DEPARTMENT HONG KONG
學生資料管理系統
STUDENT INFORMATION MANAGEMENT SYSTEM
填報已有學生編號的入學學生表格
(只適用於九月初學生收錄實況調查)
Form for Reporting Admission of Students with Student Reference Number
(For use in Enrolment Survey in early September only)

學校區議會分區#1 School DC #1 [ ]

學校編號 School No [| | | | |] 學校位置標識 Location ID [0|0|0|] 教學程度 School Level [ ] 2 小學 Primary, 3 中學 Secondary 授課時間 Session [ ] 1 上午校 AM, 2 下午校 PM, 3 全日制 WD 語言類別 Language [ ] 1 英文部 Anglo-Chinese, 2 中文部 Chinese, 9 其他 Others

學生編號 Student Reference Number (STRN)	班別名稱 (英文) Class Name (in English)	班級 Class Level #2	家居區議會分區 Home DC #1	學生姓名 (中文或英文) Name of Student (in Chinese or English)	性別 Sex	出生日期 Date of Birth	學業能力測驗組別 AAT Group #3

SAMPLE 樣本

#1 #3 附註見背頁 See Notes overleaf

校長簽署
Signature of Head of School ....

日期
Date ....

校長姓名 (正楷)
Name of Head of School ....
(in Block letters)

學校名稱
Name of School ....

校印
School Chop

ED 113 (1.00)

ED/STMEb

The Advisory Committee on The Placement Of Pupils has worked out a set of guidelines in November 1990 to be followed in the placement of dropout pupils. These guidelines are set out as follows:

(a) As far as possible, the original school where the pupil dropped out should have the obligation to re-admit the pupil. The obvious advantage of this arrangement is that the pupil can adjust to the environment easily. If, however, re-admitting the pupil into his original school would affect his motivation in study or cause other problems, a transfer to a more suitable school would be considered.

(b) The physical location of the new school in relation to the pupil's residential address should be considered.

(c) A school with more vacancies should have more obligations to admit the pupil.

(d) In general, the ability band of the pupil should not be too different from those of the other pupils of the new school concerned.

(e) In principle, no distinction should be made between government, aided or bought-place private schools as far as placement of these pupils is concerned.

安排學生入學諮詢委員會已於1990年11月制定一套有關安排輟學生入學的指引。這些指引概述如下：

(a) 輟學生原先就讀的學校，應有義務盡量收回該名學生。此舉的明顯好處，是學生能夠易於適應環境。然而，假如該名學生返回原校就讀會影響其學習動機或引起其他問題，便會考慮安排他轉往另一間較為合適的學校。

(b) 學生的住所與該校位置的距離應在考慮之列。

(c) 有較多空置學額的學校，應盡較大的義務去收容輟學生。

(d) 一般來說，輟學生的學能水平，與該校學生的學能水平不應相差太遠。

(e) 原則上，就安排這類學生入學的問題上，官立、資助學校與買位私校之間不應有所分別。

Annex 3
(para. 2.12)

Flow chart showing the procedures leading to the issue of warning letter / attendance order

1

Identification

- the NAC Team received a suspected genuine dropout case reported by a school through ENS and/or Form A/B reporting system

↓

2A

Investigation & counselling

- SGO/T/P was to ascertain the reason(s) of absence and explain to parents the requirements of Section 74-78 of the Education Ordinance
- SGO/T/P provided counseling with a view to cause the parent to bring the child back to school

↓

2B

Provision of Support Services

- assistance of educational psychologist/counsellor, family worker, school development officer, school social worker will be sought, as and when necessary.
- remedial groups, assessment, re-entry programs, placement, referrals, etc.

↓

3

Internal Review Board (IRB) (Set up since 5.11.1987)

- discussed and advised on the handling of difficult dropout cases, chaired by PI(SG).
- decided on appropriate action such as issuing warning letter and/or attendance order in accordance with Section 74(1) of the Education Ordinance.

IRB
Chairperson:
PI(SG)
Secretary:
I(NAC)2
Members:
S(EP/PS))5
SI(SG)
I(NAC)1
I(SG) concerned

↓

4

Issuance of warning letter

- the IRB's decision to serve upon the parent a warning letter was to be endorsed by AD(SD).
- PI(SG) sought assistance of CSDO concerned to nominate a REO officer to accompany I(NAC)2 in a home visit to serve the warning letter.
- a choice of 3 schools provided by REO was to be stated in the warning letter.
- parents were required to bring their child back to school.
- advice of the Department of Justice would be sought if necessary before the consideration for the issue of attendance order.

No Further Action (NFA), if the case

(a) resumed school; or
(b) took up other educational alternatives such as apprenticeship training, children homes, etc; or
(c) reached 15 and chose to take up open employment; or
(d) left Hong Kong.

↓

5

Issuance of attendance order

- the IRB's decision to serve upon the parent attendance order was to be endorsed by AD(SD).
- PI(SG) sought assistance of CSDO concerned via AD(SD) and the relevant PEO to nominate a REO officer to accompany I(NAC)1 in a home visit to serve the attendance order.
- only 1 school was to be named in the attendance order.

↓

6

Administrative Appeal Board (AAB)

- if aggrieved by the attendance order, parents may make appeal to the AAB in accordance to Section 74A of the Education Ordinance
- the appeal can be made within 28 days after receiving the attendance order, as required by Section 9 of the AAB Ordinance.

↓

7

Advice of the Department of Justice

If the parent failed to comply with the attendance order, AD(SD) would submit a summary of the case to the Department of Justice for advice on whether the case warranted prosecution.

↓

8

Prosecution

- Upon advice of the Department of Justice, the case would be referred to the Commissioner of Police for police investigation and, if appropriate, prosecution proceedings.

↓

COURT DECISION: a fine at Level 3 ($10,000) and imprisonment for 3 months, if convicted *(S78 Cap279)*

──► action required
┈┈► no further action

NAC Team, Student Guidance Section
[illegible]
[illegible] (revised)